



SPECIAL JOINT MEETING of the San Bruno City Council and San Bruno Park School District MINUTES July 28, 2004

THIS IS TO CERTIFY THAT:

The San Bruno City Council and San Bruno Park School District met in a Special Session, at City Hall, Wednesday July 28, 2004, at 6:00 pm.

1. ROLL CALL:

Present, from the San Bruno City Council were Mayor Franzella, presiding; Vice Mayor O'Connell, Councilmembers Ruane, Ibarra, and Pallas. Absent: None

Present, from the San Bruno Park School District were Superintendent Hutt, presiding; President Hanley, Clerk Kiely, Members, Zelnik and Henderson. Absent: Vice President Kramer.

PLEDGE OF ALLEGIANCE / INTRODUCTIONS

Mayor Franzella made some brief introductions and asked City Manager Jackson to speak.

2. REVIEW OF AGENDA: No changes

3. APPROVAL OF MINUTES: None

4. CONSENT CALENDAR: None

5. PUBLIC HEARINGS: None

6. UNFINISHED BUSINESS:

City Manager Jackson gave an overview of a memorandum, outlining alternative options being proposed to aid in the process of reviewing potential changes to the **Joint Use Agreement** between the City of San Bruno and the San Bruno Park School District, for facilities maintenance at the Belle Air and Parkside sites.

After both bodies had the opportunity to discuss the proposed alternatives and receive any needed clarification, it was agreed by the School District representatives that, that Proposal #1, of the three proposed alternative flat annual rate services programs, would best meet their criteria.

Jim Thiel, Commissioner of San Bruno Pony Baseball, is glad to see that there is resolution to the situation and feels that the field at Belle Air should be mowed every week for safety purposes.

Marina Kaiser, 5th Avenue, asked for clarification regarding why the only fields being discussed are Belle Air and Parkside. She is in favor of Proposal #3.

Mayor Franzella explained that these are the only two fields that are in the Joint Use Agreement.

Board Member Henderson added, the other school fields are maintained by the School District.

Councilmember Ruane asked, since Proposal #1 does not include trash pick-up, who will be responsible for this task.

Board Member Zelnik replied, the School District picks up trash from their students use, but it is the responsibility of the user groups to clean the area up after their games or events.

M/S Kiely/Zelnik, to accept Proposal #1. Passed by a majority vote, Members Kiely, Zelnik, President Hanley – Yes, Member – Henderson – No.

Member Henderson stated that he voted, no, because he feels that by going with the basic mowing service, it compromises the safety of the fields.

M/S Ruane/O’Connell, to furnish the San Bruno Park School District with the Proposal #1 for basic mowing services at Belle Air and Parkside schools. Passed unanimously.

Mayor Franzella introduced the next item for discussion, which was the length of the agreement. At issue was a contract dated July 2002, there were originally discrepancies related to when the contract actually went into effect. The contract length is 5 years, is cancelable after 5 years if either party gives a three-month notice, or may be revised at any time by either party, with both parties in agreement.

Board Member Kiely recommended, that to make sure there is not a dispute, since the contract started in 2002 and is supposed to be for five years, that we specifically make the ending date, 2007.

Mayor Franzella pointed out since the contract started in 2002, we are now in the second year, and in 2004, there is a payment due from the district. The first year was paid by the City in full and the second year there is a payment of 20% due to the City.

Board Member Kiely noted that the original discrepancy had the contract starting in 2001, therefore, the district has already made the 20% payment.

Board Member Henderson suggested that the acceptance of Proposal #1 be incorporated as a revision and that this be a fresh start with new contract dates.

Mayor Franzella suggested that the City Attorney prepare an amendment that incorporates Proposal #1 and reaffirm that the contract agreement actually began in July of 2002, then it will be true to its terms. The contract clearly runs for five years from its date, which will go to 2007, after that there will be three months in which to cancel it.

Member Henderson again suggested that we just start fresh, beginning with July 1, 2004, and go from there for five years.

Mayor Franzella explained this would require the entire contract being modified, involving payment schedules.

Member Henderson noted that the contract is being modified by going to a flat rate schedule.

Member Kiely stated that these amendments don't affect what has happened with the contract so far, rather than continuing to look at the past, it's better to move forward based on the contract.

Member Henderson if there was any money owed.

City Manager Jackson replied that, she understands there was a discrepancy as to what is year one and year two, etc. As it relates to calculation of costs, year one was FY 2001-02, which was the base year, per the contract, this was the year that the base level costs were identified by and paid for by the City, the School District paid zero. FY 2002-03, was charged to and paid by the district at 20% of costs, amounting to approximately \$9,800. The business as hand now is, FY 2003-04, which is subject to, under this agreement, a 40% cost sharing arrangement. The City is in the process of completing, a calculation of total costs for that fiscal year, which ended on June 30th, and preparing to submit it to the School District for payment. She further noted that at the end of the agreement it does state that the agreement terminates five years from the July, 2002 date and for cost calculation purposes in the body of the agreement, clearly illustrates the determination of what constitutes each fiscal year.

Member Zelnik referencing a document provided to the School District by the City, on July 22, 2004, feels that there was conflicting information in the early days of the agreement. It has always been Member Zelnik's contention, that the contract ends in 2006, and that the first year was the base year. If it actually ends in 2007 this confuses the payment schedule calculations.

Member Kiely feels that the contract clearly states that it starts in July of 2002.

Mayor Franzella recommended, that with the agreement of both parties, the amendment to the contract would read, the first year, the School District paid nothing, the second year, the School District paid, \$9,800, the next year, which is this Fiscal Year ending June 30, 2004, the School District instead of being billed according to the contract, 40% of whatever the cost was, the Mayor proposed that, the School District would be billed the flat rate of, \$9,940 and continue thereafter with cost of living increases as provided throughout the remainder of the term ending in 2007.

M/S Zelnik/Henderson, to approve Mayor Franzella's recommendation. Passed unanimously.

Mayor Franzella explained that once action has been taken tonight, both bodies will still need to ratify the written amendment to the agreement.

Superintendent Hutt asked if the CPI cap would remain.

Mayor Franzella responded that there will be no CPI cap in place for the remainder of this agreement, because the costs to track it outweigh the CPI itself.

M/S Ibarra/Ruane, to concur with the terms of maintenance, the length of the contract, and that annual payments at the flat rate of \$9,940, with the CPI portion of the payment schedule being removed from this agreement, will be made to the City of San Bruno by the

San Bruno Park School District, beginning with said amount, owing for FY 2003-04, then subsequent years of the agreement thereafter.

7. PRESENTATION OF BIDS, & AWARD OF CONTRACTS: None

8. COMMUNICATIONS: None

9. STAFF REPORTS: None

10. REPORT OF CITY ATTORNEY: None

11. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

Marina Kaiser, 5th Ave., asked for clarification of services just agreed upon for the Belle Air site.

Mayor Franzella explained the School District will be billed for mowing every other week, irrigation and maintaining of the irrigation at the Belle Air and Parkside sites. The City will mow the sites on the odd weeks at their own expense.

Marina Kaiser then asked who would do the other tasks.

Mayor Franzella answered that if another problem such as gophers, arises, it will be looked at, if and when the time comes.

Member Zelnik added that the district grounds keepers deal with these issues at all the other school sites, and would therefore be available to do so at Belle Air and Parkside.

Marina Kaiser also asked if the fields would be aerated.

Member Zelnik responded that it is not the practice of the School District to aerate any of its fields.

Member Henderson clarified, that if any of the user groups have special requests concerns, they go through the Parks and Recreation Department and Steve Fuentes is the appropriate person at the School District.

12. REPORT OF COMMISSIONS, BOARDS & COMMITTEES: NONE

13. NEW BUSINESS: None

14. ADJOURNMENT: There being no further business to transact, the meeting adjourned at 6:52 pm.

The foregoing minutes were approved by
the San Bruno City Council at a regular
meeting held on August 10, 2004.

Respectfully submitted for approval,

Vicky S. Hasha, Deputy City Clerk

Larry Franzella, Mayor